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REMARKS

Applicant carefully reviewed the final Office Action mailed June 1, 2007, and notes with appreciation the Examiner's approval of the amended specification and amended version of Figure 1. In light of the following remarks, reconsideration of the final rejections is respectfully requested.

Initially, Applicant respectfully submits that no basis is provided or otherwise exists for making the most recent Office Action "final." The Examiner did not in any previous Action assert that Grisch disclosed any "binder system" for a veil that is wet out by a resin. Rather, the Examiner simply stated that "Grisch . . . teaches a resin impregnated veil layer that is applied over a fiber reinforced composite" (Office Action of 9-25-06, p. 4, third paragraph). Applicant traversed the Examiner's rejections, contending that a *prima facie* case of obviousness is lacking, *inter alia*, because neither of the references teach the claimed light facing veil including a binder system (see Amendment of 2-24-07, p. 12, last paragraph, "Grisch . . . does not disclose or in any way teach or suggest introducing a light facing veil comprising a fibrous strand and a 'binder system' onto any laminate layer . . . .") (emphasis added).

Although the Examiner repeats the same rejections verbatim in the final Office Action, the accompanying remarks presented reveal that the basis for rejecting the claims has significantly changed. Specifically, the Examiner now for the first time asserts that "Grisch provides that the veil or fabric (veil) has been preimpregnated, and therefore the veil would be composed of both a fibrous strand (veil or fabric) with a binder system (a thermosetting resin) which reads on the claimed invention" (final Office Action dated 6-1-07, p. 10, last paragraph; emphasis added). Despite the fact that Applicant's

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claim has since inception recited both a resin that wets out the veil and a "binder system" forming part of the veil, the Examiner now for the first time "after final" construes these terms as having essentially identical meanings for purposes of the rejection.

Nothing in the rules or MPEP condones making an Office Action final when a *prima facie* rejection is lacking, and then allegedly made for the first time in a subsequent Office Action when a new rejection is made. Quite the contrary, the MPEP at Section 706.07 specifically cautions the Examiner to "never lose sight of the fact that in every case the applicant is entitled to a full and fair hearing, and that a clear issue between applicant and examiner should be developed, if possible, before appeal." Since Applicant has not had a "full and fair hearing" with respect to the new arguments provided in support of the obviousness rejections made (that is, whether Grisch discloses the claimed "binder system"), the Examiner should withdraw the finality of the Office Action and give the Applicant a full opportunity to respond to the new basis for the rejection and set a proper record for purposes of appeal.

In analyzing claim 1, the final Office Action again expressly acknowledges that Kimio does not in any way teach or suggest the claimed step of "introducing a light facing veil," such that a portion of the resin of the second laminate layer substantially wets out the fibrous strand of the veil. Nevertheless, citation is made to Grisch in support of the contention that the "use of a facing veil layer is well known." No mention is made by the Examiner of any teaching of a veil including a "binder system" in the statement of rejection.

As Applicant previously emphasized, Grisch discloses a wet mat process for forming sheet molding compound composite of sandwich

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construction. While Grisch describes the use of a veil in connection with forming a molded article, it does not disclose, or in any way teach or suggest introducing a light facing veil comprising a fibrous strand and a "binder system" onto any laminate layer for any reason. Instead, Grisch merely emphasizes the critical nature of the composition of the veil used, as well as that a fabric or veil may be "preimpregnated." Nowhere does it even remotely teach or suggest that the veil used comprises "a fibrous strand and a binder system," as required in Applicant's claim 1. Since Grisch thus does not teach or suggest an express element of this claim, it is admitted that Kimio completely lacks this missing teaching, and no other evidence is cited in support of the rejection of claim 1, a *prima facie* case of obviousness is lacking for this reason alone. See MPEP 2142 (Rev. 5, August 2006) ("To establish a *prima facie* case of obviousness . . . , the prior are reference (or references when combined) must teach or suggest all the claim limitations.")

Applicant also respectfully requests reconsideration on the basis that claim 1 is not being construed in accordance with proper canons of claim construction. As noted above, the Examiner appears to now contend that the claimed "binder system" forming part of the veil is the "thermosetting resin" of Grisch. However, claim 1 already recites a "resin," which means that the terminology "binder system" cannot have the exact same meaning as "resin." *Primos, Inc. v. Hunter's Specialties, Inc.*, 451 F.3d 841, 848 (Fed. Cir. 2006) ("the terms 'engaging' and 'sealing' are both expressly recited in the claim and therefore 'engaging' cannot mean the same thing as sealing; if it did, one of the terms would be superfluous"); *Trintec Industries Inc. v. Top-U.S.A. Corp.*, 63 USPQ2d 1597 (Fed. Cir. 2002) (holding that when different words are used in claim language, "[e]ach therefore imparts a different scope to the claim in

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which it appears.”). In other words, any pre-impregnated resin *per se* or resin wet out resulting from molding cannot qualify as the claimed “binder system,” as this term would necessarily have the same exact meaning as “resin” appearing elsewhere in the claim. Since there is absolutely no evidence in the record establishing that the veil of Grisch includes the claimed binder system in a veil, a *prima facie* case of obviousness is lacking.

Applicant also respectfully requests reconsideration of the Examiner’s finding that a skilled artisan considering Grisch and Kimio would be motivated to apply a veil of the type set forth in claim 1 in the manner required by the claim. Despite being later in time than Grisch, the Kimio reference teaches at paragraph 19 that, in the case where reinforcement of the molded article is desired, “reinforcement frames” 25 such as “waterproof plywood, and synthetic wood or steel materials,” may “intervene . . . between the continuous glass fiber reinforcement layer 23 and the staple fiber backup layer 26”. Thus, a skilled artisan reviewing the cited references and looking to provide a stronger article would at best be motivated to provide any additional “reinforcement frame,” such one comprising the fabric or veil mentioned in Grisch, between the backing and the intermediate layer, rather than as required in Applicant’s claim 1, in order to strengthen the resulting article. As discussed in the Background of the Invention section of Applicant’s specification, such a “panel” approach to reinforcement is characteristic of the prior art, and is contrasted with that of the inventive approach.

Turning to Grisch, a skilled artisan reviewing its teachings would be motivated only to: (1) provide the fabric 20 adjacent a surface of the mold die (see col. 5, lines 57-58); or (2) provide the fabric 30 atop a carrier sheet 16

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"before" application of the synthetic resin . . . ." (col. 6, lines 5-7; emphasis added). These approaches starkly contrast not only with Kimio's specific proposal to use a gel coating layer on the mold surface, but also with the process set forth in claim 1, which expressly requires that the veil is separated from the surface of the mold by several distinct layers.

In responding to Applicant's argument regarding the divergent teachings of the cited references, the Examiner notes that in Figure 2 of Kimio, "there is no intervening material between items 23 and 26." Respectfully, this misses the point, which is that a skilled artisan reviewing Kimio would be motivated to incorporate a panel for reinforcement, as taught in that reference, rather than the veil of Grisch.

The Examiner further cites to improved corrosion resistance and an "improved" product that may result from including the claimed light facing veil. However, these speculative benefits do not alone provide the type of reason that, in the absence of hindsight, would lead a skilled artisan to the inventive method of claim 1. *KSR Int'l Co. v. Teleflex, Inc.*, 127 S.Ct at 1741 (2007) ("a patent composed of several elements is not proved obvious merely by demonstrating that each of its elements was, independently, known in the prior art . . . ."). Nothing else in the prior art references cited (which is the only evidence from which the reason for combining the references may possibly be drawn here) would lead a skilled artisan to position a veil comprised of fibrous strands and a binder system onto a second laminate layer comprised of resin and fibers and otherwise arranged as set forth in claim 1. Absent a proper reason to combine the references in a way that would produce the claimed invention, a *prima facie* case of obviousness is lacking.

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With respect to dependent claim 24, Applicant respectfully submits that the Examiner disregards the requirements of claim in making the rejection. This claim requires that the "binder system" of the light facing veil "is selected from the group consisting of an acrylic binder system, a polyvinyl alcohol binder system, and a urea/formaldehyde binder system." In finally rejecting this claim, the Examiner states as follows:

Grisch . . . teach that acrylic resin is an equivalent alternative to polyester resin (see col. 3, lines 38-41) Therefore, it would have been obvious for one of ordinary skill in the art to use an acrylic resin as taught by Grisch . . . as an equivalent alternative to the polyester resin in the process of . . . [Kimio] in view of Kia et al. . . . because Grisch . . . teach that acrylic and polyester resins are equivalent alternatives in making fiber-reinforced laminates.

Even if taken as true, nothing in this statement establishes that any veil in Grisch includes any of the claimed binder systems. Grisch does teach various types of resins for use in the SMC layer in the passage cited by the Examiner, but is completely silent as to any type of binder system used in a veil, let alone those in claim 24. By the Examiner's own admission, Kimio does not disclose a veil, and the Kia et al. reference does not supply this missing teaching. Since the references cited thus do not teach or suggest the limitations of claim 24, a *prima facie* case of obviousness is lacking. Therefore, reconsideration of the rejection of dependent claim 24 is respectfully requested.

The rejections of dependent claims 2-23 all hinge upon the combination of Kimio and Grisch. However, as demonstrated above, these references alone or together do not teach or suggest the invention of claim 1, which forms a part of the inventions of each of dependent claims 2-23.

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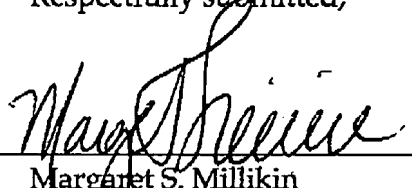
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Accordingly, allowance of these dependent claims along with claim 1 is in order.

In summary, all the pending claims patentably distinguish over the prior art and should be formally allowed. Upon careful review and reconsideration it is believed the Examiner will agree with this proposition. Accordingly, the early issuance of a formal Notice of Allowance is earnestly solicited. If any fees are required in respect to this Amendment, please debit them from Deposit Account 50-0568.

Respectfully submitted,

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